

# **KILMERSDON PARISH COUNCIL**

## **STANDING ORDERS**

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# 1 Meetings

Mandatory for full Council meetings	●
Mandatory for committee meetings	●
Mandatory for sub-committee meetings	●

- a **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- b **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**
- c **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- d Subject to standing order 1(c) above, a period of time not exceeding 15 minutes shall be designated for public participation when members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda. The Chairman may direct that a response to a question asked by a member of the public be referred to a Councillor for an oral response, or to the Clerk for a written or oral response.
- e In respect of business itemised on the agenda, each member of the public is entitled to speak at a meeting and shall address his comments to the Chairman. If more than one person wishes to speak, the Chairman shall direct the order of speaking. Where the total speaking time is likely to exceed 15 minutes, the Chairman may at a convenient time in the transaction of business, allow any members of the public to make further representations, answer questions or give evidence relating to the business being transacted at that meeting.
- f A record of a public participation session at a meeting shall be included in the minutes of that meeting.

- g **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior consent.**
- h **In accordance with standing order 1(b) above, the Clerk shall afford to the press reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- i **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to, or before the Chairman may in his absence be done by, to, or before the Vice-Chairman.**
- j **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- k **Unless a meeting is or becomes inquorate, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- l **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
- m **Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- n **The minutes of a meeting shall record the names of councillors present and absent.**
- o If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting, which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- p **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- q **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be**

recorded in the minutes.

r **No business may be transacted at a meeting unless at least one third of members of the Council are present and in no case shall the quorum of a meeting be less than 3.**

s **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting, or at the discretion of the members present, delegated to the Clerk.

## 2 Ordinary Council meetings

In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.

- a In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
- b If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- c In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- d The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.
- e The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- f The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
- g In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- h In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.

- i Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows.
  - i. In an election year, delivery by councillors of their declarations of acceptance of office.
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
  - iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
  - iv. Review of the terms of references for committees.
  - v. Receipt of nominations to existing committees.
  - vi. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
  - vii. Review and adoption of appropriate standing orders and financial regulations.
  - viii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
  - ix. Review of representation on or work with external bodies and arrangements for reporting back.
  - x. In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
  - xi. Review of inventory of land and assets including buildings and office equipment.
  - xii. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
  - xiii. Review of the Council's and/or employees' memberships of other bodies.
  - xiv. Establishing or reviewing the Council's complaints procedure.
  - xv. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
  - xvi. Establishing or reviewing the Council's policy for dealing with the press/media
  - xvii. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.
  
- j Meetings of the Council shall normally be held on the first Monday of each calendar month, except August, at 7.30 p.m. in Coles Garden meeting Room. Where circumstances dictate, dates; times and venues of meetings may be altered by the Council and additional meetings may be held on such dates and times and at such place as the Council may direct.
  
- k Where the amount of business to be transacted is likely to extend beyond a reasonable time, the Council may decide to adjourn the meeting and carry forward the remaining business to the next meeting.
  
- l Smoking is not permitted at any meeting of the Council.
  
- m For all meetings of the Council, the Agenda will include, immediately after Apologies and Signing of Minutes, an item to allow any members of the public to make representations, answer questions or give evidence relating to the business being transacted at that meeting. This opportunity will also apply to any member who is otherwise excluded due to a declared interest. The Chairman will also exercise his discretion to adjourn the meeting at a later convenient time during the transaction of business, to afford the same facility for further questions and statements.

- n The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolutions: -

"That in view of the special or confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw"

- o The Council shall state the special reason for exclusion.
- p If a member of the public interrupts the proceedings at any meeting, the Chair, may, after warning, order that he/she be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

### 3 Proper Officer

- a The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following.
- i. **Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council at least 3 clear days before the meeting. At times when postal delivery is not expedient,** electronically serve on councillors a summons, in portable document format (pdf) confirming the time, date, venue and the agenda of a meeting of the Council at least 3 clear days before the meeting provided any such email contains the electronic signature and title of the Proper Officer.
  - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
  - iii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order [3(b)i] above.**
  - iv. Make available for inspection the minutes of meetings.
  - v. **Receive and retain copies of byelaws made by other local authorities.**
  - vi. **Receive and retain declarations of acceptance of office from councillors.**
  - vii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
  - viii. Keep proper records required before and after meetings;
  - ix. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
  - x. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
  - xi. Manage the organisation, storage of and access to information held by the Council

- in paper and electronic form.
- xii. Arrange for legal deeds to be signed by 2 councillors and witnessed
- xiii. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xiv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. Refer a planning application received by the Council to the Planning Working Party within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- xvi. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

## 4 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b A motion to amend an original or substantive motion shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- c A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- d If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- e If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- f The Chairman shall decide on a point of order and his decision shall be final.
- g With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer.
- h When a councillor's motion is under debate no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be silent or for him to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any standing order, except those which are mandatory.
- i. In respect of standing order 4(i)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and



shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## **5 Code of conduct**

**A All councillors must observe the code of conduct adopted by the Council.**

**B** All Councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.

**C.** Councillors with a disclosable pecuniary interest must leave the room during the relevant item of business, unless permitted to remain following the grant of a dispensation.

**D.** Councillors with an interest in relation to any item of business being transacted at a meeting may (i) make representations (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room, unless permitted to remain following the grant of a dispensation.

**E.** Following a written request to the Proper Officer of the Council (the Clerk), the Council may grant a member a dispensation to participate in a discussion and/or vote on a matter at the meeting even if s/he has any form of interest (disclosable pecuniary or other) if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the council's area to allow the member to take part; or it is otherwise appropriate to grant a dispensation. The grant of a dispensation is automatically delegated to the Clerk and any dispensation may permit the Councillor to speak, or to speak and vote.

## **6 Questions**

- a A councillor may seek an answer to a question concerning any business of the Council provided 10 clear days notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c Every question shall be put and answered without discussion.

## **7 Minutes**

- a No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 4 above.

- b Minutes, including any amendment to correct their accuracy, shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- c If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:  
 “The Chairman of this meeting does not believe that the minutes of the meeting of the Kilmersdon Parish Council held on [date] in respect of [ subject ] were a correct record but his view was not upheld by the majority of the Council and the minutes are confirmed as an accurate record of the proceedings.”
- d Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

## 8 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of standing order 8(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 8(b) above is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## 9 Voting on appointments

- a Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman’s casting vote.

## 10 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council’s financial regulations.
- b **The Council’s financial regulations shall be reviewed once a year.**
- c **The Council’s financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council’s functions to be delegated to a committee, sub-committee or to an employee.**

## **11 Execution and sealing of legal deeds**

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b **In accordance with a resolution made under standing order 11(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## **12 Committees**

The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. may permit committees to determine the dates of their meetings;
- iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
- iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 7 days before the meeting that they are unable to attend;
- v. an ordinary member of a committee who has been replaced at a meeting by a substitute member shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
- vi. may in accordance with standing orders, dissolve a committee at any time.

## **13 Extraordinary meetings**

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

## **14 Advisory committees**

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

## **15 Accounts and Financial Statement**

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

## **16 Estimates/precepts**

- a **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.
- b Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

## **17 Canvassing of and recommendations by councillors**

- a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **18 Inspection of documents**

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

## **19 Unauthorised activities**

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf

of the Council:

- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
- ii. issue orders, instructions or directions.

## **20 Confidential business**

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 20(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

## **21 Freedom of Information Act 2000**

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Council, who shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b)(ix) above.

## **22 Relations with the press/media**

- a In dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.
- b If a member of the public interrupts the proceedings at any meeting, the Chair may, after warning, order that he/she be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

## **23 Liaison with District and County or Unitary Councillors**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District and County or Unitary Council representing its electoral ward.
- b Unless the Council otherwise orders, a copy of each letter sent to the District or County or Unitary Council shall be sent to the District or County or Unitary Council representing its electoral ward.

## **24 Financial matters**

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the accounting records and systems of internal control;

- ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
  - v. procurement policies (subject to standing order 24(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £5,000
- b **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £5,000 shall be procured on the basis of a formal tender as summarised in standing order 24(c) below.**
- c Any formal tender process shall comprise the following steps:
- i. a public notice of intention to place a contract to be placed in a local newspaper;
  - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
  - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

## 25 Allegations of breaches of the code of conduct

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board.

- a) On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Chairman.
- b) Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of that fact, who shall then nominate a person to assume the duties of the Proper Officer to act in respect of that matter as such until the complaint is resolved.

## 26 Variation, revocation and suspension of standing orders

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to permanently add to or to vary or to revoke one or more of the Council's

standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

## **27 Standing orders to be given to councillors**

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

<b>Review History</b>	
Reviewed by the Parish Council, no changes	21/5/18
Reviewed by the Parish Council, no changes	20/5/19
Reviewed by the Parish Council, no changes	16/5/22
<b>Date of next review</b>	<b>May 2023</b>